

Hon. Ronald Reinstein, Ret.
Chair, Supreme Court Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3965

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
AMENDED PETITION TO)	
AMEND RULES 2.3, 13.2, 16.1,)	Supreme Court Rule No.
26.4, 31.13, 31.8 & 35.1,)	R-12-0004
RULES OF CRIMINAL)	
PROCEDURE; RULE 111 & 125)	
RULES OF THE SUPREME COURT,))		REPLY TO COMMENTS
AND RULES 15, 24, 34, 106, & 107,)		FILED BY “REPUBLIC
RULES OF PROCEDURE FOR)	MEDIA”
<u>THE JUVENILE COURT</u>)	

Pursuant to Arizona Supreme Court Rule 28, Ronald Reinstein, Chair of the Supreme Court Commission on Victims in the Courts (COVIC), respectfully submits this reply to the Court in response to the comments filed on August 13, 2012 by KPNX Broadcasting Co. and Phoenix Newspapers, Inc. (collectively, “Republic Media”), which opposes the revised proposal to amend the Arizona Rules of Criminal Procedure, the Rules of the Supreme Court and the Rules of Procedure for the Juvenile Court.

COVIC recommended that this rule petition and subsequent amendment be refined through an ad-hoc workgroup comprised of judges, attorneys and other justice professionals, which met several times between January 2012 and May 2012. In addition, the proposed Petition was vetted through the Committees on Superior Court and Probation, the Limited Jurisdiction Courts Committee, and the Presiding Judges Committee. Republic Media is correct that they were not part of the stakeholder group and did not appear during the Call to the Public in any of the COVIC meetings.

The workgroup believes the concerns expressed in the Republic Media's comments have been adequately addressed in the rule amendment or associated comments. To reiterate, COVIC believes that victims should have the right to decide if their names or those of their deceased loved ones will be used in publicly accessible court documents. Should victims want names used, a written waiver can be submitted, but in the interest of victim privacy, the information will remain private unless the victim petitions the court otherwise or as authorized by court order.

It should be noted that pursuant to statute, the names of victims are accessible in police reports and through other avenues. However, as noted in this petition, the goal is to limit disclosure of vulnerable victim information through court documents. Also, as noted above, the media or members of the public may still request an order authorizing release of the confidential data form.

In addition, the proposed change would not affect access to information as to the defendant, the nature and circumstances of the crime, and other details as to the victim other than their name.

The Republic Media Comment also notes a conflict with A.R.S. § 8-807. However, that statute only pertains to disclosure of Child Protective Services (CPS) records by the Department of Economic Security. The public and media will still have access to that information, including victim names, absent CPS application to seal such information. The proposed rule change only impacts court documents in juvenile and criminal cases, such as charging documents, minute entries, motions, transcripts, and appellate opinions.

Finally, several other states including Alaska, California, Louisiana, Nevada and Texas also authorize the use of initials or pseudonyms for child and sex crimes victims. One is hard pressed to see how journalists will be negatively impacted by the proposed petition as to “precise newsgathering and reporting about crimes, such as accurately identifying a suspect of a particular crime.”

For all the above reasons, as well as the proposed petition, Petitioner requests that the amended Petition be granted.

RESPECTFULLY SUBMITTED this 16th day of August, 2012.

By s/s Ronald Reinstein

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Copies of the foregoing
have been electronically submitted
on the date of signing to:

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